REMARKS

This is a full and timely response to the final Office Action of September 15, 2003, and Advisory Action of December 31, 2003. Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Applicant wishes to express his sincere appreciation for the time that Examiner Wallace and his supervisor spent with Applicant's Attorney during a telephonic interview on January 28, 2004, regarding the outstanding Office Action and Advisory Action. A summary of the Examiner Interview is set forth below. During the Examiner Interview, several important issues regarding various claims of the instant application were identified, and Applicant has provided additional remarks for such claims hereinbelow.

For at least the reasons set forth in the Second Response of November 12, 2003, which is incorporated herein by reference, Applicant respectfully traverses the outstanding rejections of claims 1-43. Thus, Applicant requests that the Examiner reconsider the arguments set forth in the Second Response in light of the Examiner Interview and the additional remarks set forth hereinbelow.

Interview Summary

In the telephone conversation of January 28, 2004, no exhibits were discussed, and claims 2 and 23 were discussed with reference to *Bollman* (U.S. Patent No. 5,978,519). Further, claim 36 was discussed with reference to *Niyogi* (U.S. Patent No. 6,144,755). In this regard, Applicant's Attorney suggested that *Bollman* discloses an automatic cropping system but fails to disclose that this system makes a determination as to whether the image being cropped defines a facial image. The Examiner agreed. Further, after considering the arguments of Applicant's

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Attorney, the Examiner indicated that *Bollman* is inadequate to reject claim 23 under 35 U.S.C. §102. However, no agreement regarding claim 2 was reached. Regarding claim 35, Applicant's Attorney suggested that *Niyogi* fails to disclose the step of "detecting a plurality of faces in the graphical image." The Examiner indicated that this step seemed to be satisfied by FIG. 2 of *Niyogi*. No agreement was reached with respect to claim 35.

Response to Comments in Advisory Action and Examiner Interview

In the Advisory Action, it is asserted that:

"Continuation of 5. does NOT place the application in condition for allowance because: the applicant argues 'Bollman fails to disclose a object detector to perform a search of said digital data for an object of a particular type'. The claim doesn't say what the particular type is. Therefore for Bollman the particular type is anything besides the background."

Applicant agrees that various claims (*e.g.*, claims 1, 9, and 16) do not specify "what the particular type of object is," as alleged in the Advisory Action. However, Applicant notes that several other claims do specify a particular object type. For example, claim 28 recites "making a determination as to whether said object image is a facial image." Also, claim 23 recites "wherein said object detector is configured to make a determination as to whether said portion defines a facial image," and claim 30 recites "an object detector configured to make a determination as to whether a portion of said digital data defines a facial image." Additionally, claim 33 recites "determining whether a portion of said digital data defines a facial image." Applicant respectfully asserts that the Advisory Action fails to establish a proper grounds for maintaining the 35 U.S.C. §102 rejections of at least claims 23, 28, 30, and 33.

With respect to claim 1, Applicant asserts that *Bollman* divides an image into different blocks (column 3, lines 52-54) and then determines whether each block is a "region of interest" based on the amount of variance in the block (*i.e.*, whether the variance exceeds a threshold).

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See column 4, lines 20-30. There is apparently no analysis in *Bollman* to determine the type of object that causes the variance of a block to exceed the threshold. Thus, *Bollman* fails to disclose the features of "an object detector configured to perform a search of said digital data for an object of a particular type," as described by claim 1. For similar reasons, Applicant asserts that *Bollman* fails to disclose "performing a search of said digital data for an object of a particular type," as described by claim 9, and "searching said digital data for an object of a particular type," as described by claim 16.

Further, during the Examiner Interview, Applicant's Attorney discussed several embodiments described by the instant application in which an image is cropped in order to *remove* a detected facial image from a graphical image. See, *e.g.*, page 13, line 12, through page 14, line 8. *Bollman*, on the other hand, appears to suggest removing excess background or other areas of uniform color in order to form a tight fit to a "region of interest" (*e.g.*, a region containing a face). See column 4, lines 38-41, and column 6, lines 42-43. There is no reason or motivation provided in *Bollman* to *remove* a detected facial image. Thus, *Bollman* fails to disclose at least the features of detecting a facial image within an image and then cropping the image "such that said facial image is removed from said graphical image," as described by claim 32. Note that claims 29 and 35 recite similar features, and Applicant asserts that *Bollman* fails to disclose each feature of claims 29, 32, and 35 for at least the above reasons.

In the Examiner Interview, the Examiner indicated that FIG. 2 of *Niyogi* discloses "detecting a plurality of faces in the graphical image," as described by claim 36. However, Applicant asserts that FIG. 2 is not a depiction of a single image but is instead a depiction of multiple images that have been placed in close proximity with respect to one another in FIG. 2 for the purposes of explaining the operation of *Niyogi*. In this regard, *Niyogi* specifically refers to FIG. 2 as a "set of images" (column 3, line 33). Applicant asserts that each image of the

training set depicted in FIG. 2 contains only a single face. Thus, FIG. 2 of *Niyogi* fails to disclose the step of "detecting a plurality of faces in the graphical image," as described by claim 36.

For at least the reasons set forth hereinabove and in the Second Response filed on November 12, 2003, Applicant asserts that outstanding Office Action and Advisory Action fail to establish proper grounds for rejecting claims 1-43. Thus, Applicant respectfully requests that the current rejections of claims 1-43 be withdrawn and that the amendments set forth in the Second Response be entered. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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